

JUN 02 2005

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Birch, Stewart, Kolasch & Birch, LLP**Fax**

To: USPTO Central Fax **From:** Marc S. Weiner
Garth M. Dahlen

Fax: 703-872-9306 **Date:** June 2, 2005

Phone: **Pages:** 3 (including cover sheet)

Your Ref.: Appeal No. 2005-1098 **Our Ref.:** 0020-4518P
Appl. No. 09/242,700

Re: Request to Reschedule Oral Hearing **CC:**
Before the Board of Appeals

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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PATENT
0020-4518P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellant: Noriko MIZOBUCHI et al. Conf.: 1380
Appeal No.: 2005-1098
Appl. No.: 09/242,700 Group: 1616
Filed: April 19, 1999 Examiner: SHARMILA GOLLAMUDI
For: A STABLE OINTMENT CONTAINING ASPIRIN

REQUEST TO RESCHEDULE ORAL HEARING
BEFORE THE BOARD OF APPEALS

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 2, 2005

Sir:

The above-identified appeal has been scheduled to be heard by the Board of Patent Appeals and Interferences on Tuesday, August 9, 2005.

This letter is being sent to request that the oral hearing be rescheduled due to a conflict. Appellant's representative, Dr. Garth M. Dahlen, Esq. (#43,575) has a previously scheduled vacation from July 30, 2005 to August 14, 2005. The vacation plans include other family members who have arranged their schedule to attend. Also, a hefty deposit fee (only 15% of which is refundable) for the rental home has been paid.

Appl. No. 09/242,700


Please note that the NOTICE OF HEARING form has already been signed and faxed to the BPAI HEARINGS FAX No. and the USPTO Central Fax No. on May 19, 2005.

Appellants respectfully request that the oral hearing be rescheduled in light of the above-described circumstances.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner, #32,181

Garth M. Dahlen, Ph.D., #43,575

MSW/GMD/mua
0020-4518P

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(Rev. 02/13/2004)